

FILED**A CERTIFIED TRUE COPY****JUL - 6 2006**ATTEST *[Signature]*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**JUL 24 2006**JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONRICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**JUL - 6 2006**FILED
CLERK'S OFFICE**RELEASED FOR PUBLICATION****DOCKET NO. 1769****FILED***July 10, 2006***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION**CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL****TRANSFER ORDER**

This litigation currently consists of 92 actions pending in the Northern District of California, seventeen actions in the Southern District of Illinois, two actions in the Western District of Louisiana, and one action each in the Western District of Missouri, District of New Jersey, and Eastern District of Texas, as listed on the attached Schedules A, B and C.¹ Before the Panel are two motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of 114 actions.² Plaintiff in one Southern District of Illinois action moves the Panel for coordinated or consolidated pretrial proceedings in the Southern District of Illinois. Plaintiffs in the two Western District of Louisiana actions move the Panel for centralization under Section 1407 in the Western District of Louisiana. Also, in the event the Panel grants the motions for transfer, defendants Janssen, L.P., and its parent company Johnson & Johnson (collectively Janssen) and Eli Lilly and Co. (Lilly) ask the Panel to separate and simultaneously remand the claims against these defendants to their respective transferor courts at the time of transfer. Plaintiffs in the District of New Jersey action oppose any separation and remand of the claims in their action.

Defendants AstraZeneca LP and AstraZeneca Pharmaceuticals LP (AstraZeneca) oppose the motions for transfer. If the Panel grants the motions over their objections, then these defendants request that the Panel assign the litigation to an experienced jurist with strong case management skills and to a district that has the resources to handle a large caseload and that is convenient to cross-country transportation. AstraZeneca suggests the Middle District of Florida and the Northern District of Illinois

¹ The Panel has been notified of over 120 related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

² Eight additional Northern District of California actions and one additional District of New Jersey action listed on Schedule D were encompassed by the motions, but have been closed in their respective districts; accordingly, the question of transfer of these actions is now moot.

I certify the foregoing to be a true
and correct copy of the original
SHERYL L. LOPEZ, Clerk
United States District Court
Middle District of Florida

By: *[Signature]*
Deputy Clerk

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as districts that meet this criteria. Should the Panel grant the motions for transfer, AstraZeneca also supports separation and remand under Section 1407 of the claims against the other pharmaceutical defendants.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation listed on Schedules A and B involve common questions of fact, and that their centralization under Section 1407 in the Middle District of Florida will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions are brought by persons allegedly injured by AstraZeneca's Seroquel, an atypical antipsychotic medication that allegedly can cause diabetes and related disorders. Common factual questions for the actions in this docket concern, inter alia, i) the development, testing, manufacturing and marketing of Seroquel, and ii) the defendants' knowledge concerning the drug's possible adverse effects. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel and the judiciary. The Panel is persuaded, however, that claims involving prescription drugs other than Seroquel do not share sufficient questions of fact with claims relating to Seroquel to warrant inclusion of the former claims in MDL-1769 proceedings.

Much of AstraZeneca's objection to centralization is rooted in the concern that the creation of multidistrict proceedings pursuant to Section 1407 encourages the filing of numerous actions with little or no merit. AstraZeneca argues, among other things, that the pending actions are in a limited number of federal districts, which are capable of managing Seroquel litigation without multidistrict proceedings. AstraZeneca points to earlier actions in federal court involving Seroquel, which were dismissed prior to the completion of pretrial proceedings. These arguments are not persuasive.

If the Panel were to adopt the defendants' concept . . . many of the judges assigned to the various actions would be required to needlessly replicate other judges' work on such matters as . . . rulings on motions to dismiss, and so forth. . . . We conclude that such an approach would defeat the very purposes leading to the enactment of Section 1407.

In re Propulsid Products Liability Litigation, 2000 U.S. Dist. LEXIS 11651, MDL-1355, at *3-4 (J.P.M.L. Aug. 7, 2000). The response to such concerns more properly inheres in assigning all related actions to one judge committed to disposing of spurious claims quickly.

The Panel further finds that centralization of the actions listed on Schedule C would neither serve the convenience of the parties and witnesses nor further the just and efficient conduct of this litigation at this time. Plaintiffs in these actions have dismissed their claims against AstraZeneca, leaving claims brought solely against other pharmaceutical companies relating to prescription medications other than Seroquel. The remaining claims do not share sufficient questions of fact with the claims against AstraZeneca in the other actions to warrant inclusion in the MDL-1769 proceedings.

We are persuaded that the Middle District of Florida is an appropriate transferee forum for this litigation. Centralization in this forum permits the Panel to effect the Section 1407 assignment to a

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transferee judge with prior experience overseeing Seroquel litigation who can steer this litigation on a steady and expeditious course.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedules A and B are transferred to the Middle District of Florida and, with the consent of that court, assigned to the Honorable Anne C. Conway for coordinated or consolidated pretrial proceedings.

IT IS FURTHER ORDERED that claims against Janssen and Lilly in the actions listed on Schedule B are simultaneously separated and remanded to their respective transferor courts.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1407, transfer is denied with respect to the actions listed on Schedule C.³

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

³ With respect to the actions on Schedules B and C, the Panel plans to issue conditional transfer orders embracing claims involving Zyprexa to MDL-1596 – *In re Zyprexa Products Liability Litigation*. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. at 435-36.

SCHEDULE A

MDL-1769 – In re Seroquel Products Liability Litigation

Northern District of California

Lamont Belpuliti v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-550
John Baytos v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-556
Shelley Powell, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-557
Debra Boyer v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-559
Lori Carroll, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-562
Eddi Glover v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-564
Kathleen McAllister v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-568
Michael Hawkins v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-569
Dawn Burgess v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-573
Edward Sulkowski v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-586
Sharie Walker v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-587
Carole McIntyre v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-589
James Frederick, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-590
Laurel Morris v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-592
Deborah Collier v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-599
Julia Boatwright v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-602
Summerstorm Weaver v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-604
Gregory Simmons v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-622
Anita Buchanan v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-623
Mary Popp v. AstraZeneca Pharmaceutical, LP, et al., C.A. No. 3:06-624
Dianne Mack v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-627
David Mozingo v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-628
Terri Lockhart, etc. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-644
Katherine Hopkins-Hyche, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-645
Kelly Truelove v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-651
John Masterson v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-657
Betty Evans v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-669
Jeffrey Boal v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-548
Dawn Bellman, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-552
La Monte Lear v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-571
Glenn Biskup. et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-574
Jonathan Sullivan v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-600
Betty Reed v. AstraZeneca Pharmaceutical, LP, et al., C.A. No. 4:06-647

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Southern District of Illinois

Norma Woll, et al. v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-57
Kevin Sanders v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-67
Sylvia Spencer v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-68
Judy Price v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-69
Pamela McCraney-Buzick v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-70
Willie Palmer v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-71
Roma Wilkens v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-72
Cynthia Andrews v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-85
Michael Crawford v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-96
Sharon Nelson v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-97
Betty Woodson v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-98
Kenneth Fowler v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-110
Carol Jenkins v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-111
Dorothy Soucy v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-122
Larry Williams v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-123
Charlene Smith, et al. v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-124
Anthony Ciaramitaro, et al. v. AstraZeneca Pharmaceuticals, LP, C.A. No. 3:06-125

Western District of Louisiana

Linda Mae Sonnier v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 6:05-1022
Frederic Charles Becker v. AstraZeneca Pharmaceuticals, LP, C.A. No. 6:06-6

Western District of Missouri

Julie Skiles, et al. v. Devon French, M.D., et al., C.A. No. 4:06-28

Eastern District of Texas

Loretha Jones, et al. v. AstraZeneca Pharmaceuticals, LP, C.A. No. 5:06-18

SCHEDULE B

MDL-1769 – In re Seroquel Products Liability Litigation

Northern District of California

Joy Orie v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-542
Michelle Massey, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-544
Mark Bobal v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-547
Jerry Bradley, Sr., et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-549
John Heigl v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-551
Barbara Dortch v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-555
Ned Godfrey v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-565
Ethel Harkins v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-566
Elsie Rosales v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-567
Shirley Goldsmith v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-570
Marjorie Hess v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-572
Barry Derosky, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-577
Gail Gringel v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-578
Leona Cardwell v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-582
Sandra Chathams v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-585
Lisa Peat, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-591
Lucas Webb v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-598
William Kasperson v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-611
Cheryl Levy v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-613
Jennifer Bosaw, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-618
Kenneth King v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-620
William O'Hosky v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-625
Samantha Gangidine v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-643
Loraine Clements v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-655
Donna Ali v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-658
Larry Adams, Jr. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-660
Lori Robinson v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-663
Dennis Porter v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-668
Sharon Tenney, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-541
Laura Faulk, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-553
Mary Geones, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-580
Donna Linderman v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-614
Raymond Weldon v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-615
Quincy Alderson v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-621
Clinton Spung v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-626
Nichol Ledbetter v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-642
Winifred Thomas v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-659

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District of New Jersey

Carlos Diciolla, et al. v. Johnson & Johnson Co., et al., C.A. No. 2:05-4570

SCHEDULE C

MDL-1769 – In re Seroquel Products Liability Litigation

Northern District of California

John Jones v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-546
Casey Jones, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-554
Tracy Martin v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-560
James Miller, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-563
Emanuel Johnson, Jr., et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-576
Cheryl Cole, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-581
Marisa Castillo v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-583
Steven Carr v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-584
Herman McAfee v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-593
Andre Senay v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-594
Amesha Throne v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-595
Faith McConnell v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-596
Patti Cato, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-597
Wendy Melebeck v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-605
Cynthia Crockett v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-607
James Martin v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-617
Rodney Davis v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-619
Dorothy McGee, et al. v. AstraZeneca Pharmaceutical, LP, et al., C.A. No. 3:06-641
Lori Brendgard v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-603
Debra Gaines v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-612
Jeanette Severi v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-616
Corde Williams v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-656

SCHEDULE D

MDL-1769 – In re Seroquel Products Liability Litigation

Northern District of California

Kenneth Calkin, et al. v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-540
Todd Fletcher v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-579
Nancy Burger v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-588
Ramon Fernandez v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-601
Angela DiMatteo v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-650
Judy DePastino v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 3:06-664
Betty Anderson v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-648
Brenda McCulley v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 4:06-649

District of New Jersey

James Kane v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 2:05-4558